

PHARMACY BOARD[657]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 124.301, the Board of Pharmacy hereby amends Chapter 10, "Controlled Substances," Iowa Administrative Code.

The amendment rescinds current subrule 10.38(1). The amendment removes four synthetic cannabinoids from Schedule I of the Iowa Uniform Controlled Substances Act (CSA). These synthetic cannabinoids have been classified as imitation controlled substances, subject to the regulatory requirements of Iowa Code chapter 124A. Identifying these same substances as controlled substances, subject to the regulatory requirements of Iowa Code chapter 124, is confusing and unnecessary. There is no clear authority for the Board to schedule these synthetic cannabinoids as controlled substances by rule prior to enactment of similar control under federal law.

Waiver or variance of this subrule is not necessary because the subrule will no longer exist.

The amendment was approved during the July 22, 2010, meeting of the Board of Pharmacy.

The Board finds, pursuant to Iowa Code section 17A.4(3), that notice and public participation are unnecessary and impracticable. This amendment rescinds a subrule that the Board did not have clear authority to adopt and that is now in direct conflict with another rule.

The Board finds, pursuant to Iowa Code subsection 17A.5(2)"b"(2), that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment should be made effective upon filing with the Administrative Rules Coordinator on August 30, 2010. This amendment confers a benefit on the public by eliminating potential confusion resulting from the attempted control of these synthetic cannabinoids under two chapters of the Iowa Code.

This amendment became effective August 30, 2010.

This amendment is intended to implement Iowa Code section 124.201.

The following amendment is adopted.

Rescind and reserve subrule **10.38(1)**.

[Filed Emergency 8/30/10, effective 8/30/10]

[Published 9/22/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 9/22/10.